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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,530	09/26/2003	Gang Yu	UA0022USDIV1	1217
23906	7590	05/14/2004	EXAMINER	
E I DU PONT DE NEMOURS AND COMPANY LEGAL PATENT RECORDS CENTER BARLEY MILL PLAZA 25/1128 4417 LANCASTER PIKE WILMINGTON, DE 19805			LUU, THANH X	
			ART UNIT	PAPER NUMBER
			2878	
DATE MAILED: 05/14/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,530

Applicant(s)

YU, GANG

Examiner

Thanh X Luu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 19-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 03/2004.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Priority

1. This application filed under former 37 CFR 1.60 lacks the necessary reference to the prior application. A statement reading "This is a divisional of Application No. 09/923652, filed 08/07/2001; which is a divisional of 09/241,657, filed 02/02/1999, now U.S. Patent 6,300,612; which claims benefit of 60/073,347, filed 02/02/1998." should be entered following the title of the invention or as the first sentence of the specification. Also, the current status of all nonprovisional parent applications referenced should be included.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 19 rejected under 35 U.S.C. 102(e) as being anticipated by Jung et al.
(U.S. Patent 6,069,353).

Regarding claim 19, Jung et al. disclose (see Figs.) a sensing element capable of sensing more than one wavelength of light comprising: a first electrode (1); a layer of conjugated semiconductor polymer material (3) disposed on the first electrode; and a transparent second electrode (2) disposed on the layer of conjugated semiconducting polymer material and the second electrode making up a sensor capable of generating an electrical signal when a beam of light having several wavelengths is incident upon the second electrode; and means for discriminating (5-10) among several wavelengths in the beam of light such that only a portion of the several wavelengths is incident upon the second electrode at one time.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friend et al. (U.S. Patent 5,523,555) in view of Brault et al. (U.S. Patent 4,081,277).

Regarding claims 19-21, Friend et al. disclose (see Figs.) a sensing element capable of sensing more than one wavelength of light comprising: a first electrode (8); a layer of conjugated semiconductor polymer material (6) disposed on the first electrode; and a transparent second electrode (4) disposed on the layer of conjugated semiconducting polymer material and the second electrode making up a sensor capable of generating an electrical signal when a beam of light having several wavelengths is

incident upon the second electrode. Friend et al. do not specifically disclose a means for discriminating among several wavelengths in the beam of light such that only a portion of the several wavelengths is incident upon the second electrode at one time. However, color sensing elements are notoriously well known. Brault et al. teach (see Figs.) a color sensing element having a means for discriminating (24) as claimed. Thus, Brault et al. recognize that color sensing elements are desired to provide color detection signals. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide such discriminating means in the apparatus of Friend et al. in view of Brault et al. to obtain color detection from improved sensing.

7. Claims 19 and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friend et al. in view of Wagner (U.S. Patent 5,528,295).

Regarding claims 19 and 22-25, Friend et al. disclose (see Figs.) a sensing element capable of sensing more than one wavelength of light comprising: a first electrode (8); a layer of conjugated semiconductor polymer material (6) disposed on the first electrode; and a transparent second electrode (4) disposed on the layer of conjugated semiconducting polymer material and the second electrode making up a sensor capable of generating an electrical signal when a beam of light having several wavelengths is incident upon the second electrode. Friend et al. do not specifically disclose a means for discriminating among several wavelengths in the beam of light such that only a portion of the several wavelengths is incident upon the second electrode at one time. However, color sensing elements are notoriously well known. Wagner teaches (see Fig. 2) a color sensing element having a means for discriminating

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(20) as claimed. Thus, Wagner recognizes that color sensing elements are desired to provide color detection signals. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide such discriminating means in the apparatus of Friend et al. in view of Wagner to obtain color detection from improved sensing.

8. Claims 19 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friend et al. in view of Halsall et al. (U.S. Patent 4,517,456).

Regarding claims 19 and 26-29, Friend et al. disclose (see Figs.) a sensing element capable of sensing more than one wavelength of light comprising: a first electrode (8); a layer of conjugated semiconductor polymer material (6) disposed on the first electrode; and a transparent second electrode (4) disposed on the layer of conjugated semiconducting polymer material and the second electrode making up a sensor capable of generating an electrical signal when a beam of light having several wavelengths is incident upon the second electrode. Friend et al. do not specifically disclose a means for discriminating among several wavelengths in the beam of light such that only a portion of the several wavelengths is incident upon the second electrode at one time. However, color sensing elements are notoriously well known. Halsall et al. teach (see Figs.) a color sensing element (8A-8C) having a means for discriminating (7) as claimed. Thus, Halsall et al. recognize that color sensing elements are desired to provide color detection signals. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide such

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discriminating means in the apparatus of Friend et al. in view of Halsall et al. to obtain color detection from improved sensing.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh X Luu whose telephone number is 571-272-2441.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Porta can be reached on 571-272-2444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thanh X Luu
Primary Examiner
Art Unit 2878

04/04